

MEMORANDUM

Agenda Item No. 11(A)(19)


TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: May 5, 2015

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution establishing
policy requiring a two-thirds
vote of the Board of County
Commissioners' membership
to extend the life of any
Community Redevelopment
Agency or amend or modify
any Community
Redevelopment Agency's
Redevelopment Plan

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Juan C. Zapata.



R. A. Cuevas, Jr.
County Attorney

RAC/lmp




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(Revised)

TO: Honorable Chairman Jean Monestime
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Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☐ No committee review
- ☒ Applicable legislation requires more than a majority vote (i.e., 2/3's ☒, 3/5's ☐, unanimous ☐) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(19)

5-5-15

RESOLUTION NO. _____

RESOLUTION ESTABLISHING POLICY REQUIRING A
TWO-THIRDS VOTE OF THE BOARD OF COUNTY
COMMISSIONERS' MEMBERSHIP TO EXTEND THE LIFE
OF ANY COMMUNITY REDEVELOPMENT AGENCY OR
AMEND OR MODIFY ANY COMMUNITY
REDEVELOPMENT AGENCY'S REDEVELOPMENT PLAN

WHEREAS, the Florida Legislature enacted the Community Redevelopment Act of 1969, which is presently codified at Chapter 163, Part III, Florida Statutes, as amended, (the "Act"); and

WHEREAS, the Act confers certain powers to counties with home rule charters, which such counties in their sole discretion may delegate to a municipality and/or a community redevelopment agency; and

WHEREAS, the purpose of the Act is to provide a mechanism for counties and municipalities to eliminate slum or blighted areas through the creation of such community redevelopment agencies; and

WHEREAS, the Board of County Commissioners ("Board"), as a governing body, has traditionally delegated certain of its powers through interlocal cooperation agreements to municipalities, including, but not limited to, the cities of Miami, Miami Beach, North Miami, Homestead, Florida City, and South Miami, or to community redevelopment agencies created by this Board, including, but not limited to, NW 7th Avenue Corridor Community Redevelopment Agency and N.W. 79th Street Community Redevelopment Agency; and

WHEREAS, for those community redevelopment agencies to which this Board has delegated its powers, especially those located within municipalities, this Board has in the past expressed concerns related to among other matters, (1) certain activities undertaken by such community redevelopment agencies, (2) the extension of the lives of certain community redevelopment agencies, (3) such agencies use of tax increments funds, (4) the untimely submission of budgets for approval by this Board after the community redevelopment agencies have borrowed money, advanced funds or incurred indebtedness, and (5) the lack of County representation on the boards of these agencies; and

WHEREAS, this Board recognizes that the County has limited authority to restrict the uses of tax increment funds for activities of an existing community redevelopment agency when those uses are consistent with the Act, the redevelopment plan approved by the Board, and the interlocal corporation with the agency; and

WHEREAS, in accordance with the Act, (1) once a trust fund is established by ordinance, the County and any other taxing authorities, if any, have an obligation to appropriate to the trust fund so long as any indebtedness is outstanding, which such obligation to appropriate shall not exceed 30 years; or (2) in the event the community redevelopment agency's redevelopment plan is amended and there remains any outstanding indebtedness, the County and any other taxing authorities shall have an obligation to appropriate to the trust for a period of 30 years from the date the redevelopment plan is amended but no more than 60 years from the date the original redevelopment plan was initially approved or adopted; and

WHEREAS, this Board is not required to extend the life of a community redevelopment agency, as long as no debt secured by the tax increment is outstanding, and is not required to approve an amendment to an agency's redevelopment plan; and

WHEREAS, when such requests are made, the County should exercise great restraint in extending the life of a community redevelopment agency or approving a modification to the agency's redevelopment plan because of the potential fiscal impact of such decisions on the County's general fund; and

WHEREAS, thus, this Board should establish a policy requiring a two-thirds vote of the Board's membership to approve the extension of the life of a community redevelopment agency or an amendment to the agency's redevelopment plan,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. The matters contained in the foregoing recitals are incorporated in this resolution by reference.

Section 2. The Board establishes as its policy that the approval of an extension of the life of a community redevelopment agency or an amendment or modification to a community redevelopment agency's redevelopment plan shall be approved by two-thirds vote of the Board's membership.

The Prime Sponsor of the foregoing resolution is Commissioner Juan C. Zapata. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Jean Monestime, Chairman

Esteban L. Bovo, Jr., Vice Chairman

Bruno A. Barreiro

Jose "Pepe" Diaz

Sally A. Heyman

Dennis C. Moss

Sen. Javier D. Souto

Juan C. Zapata

Daniella Levine Cava

Audrey M. Edmonson

Barbara J. Jordan

Rebeca Sosa

Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 5th day of May, 2015. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Terrence A. Smith
Cynthia Johnson-Stacks

